IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

Crl.L.P..No. 222 of 2007()

CC.1203/2003 of J.M.F.C., KODUNGALLUR

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PETITIONER/COMPLAINANT

ABDUL MUJEED, S/O. MOIDEEN HAJI,
KOLLIYIL, EDAVANAKKAD, KOCHI.
(MANAGING PARTNER, AMEEN ICE FACTORY, AZHEEKODE).

BY ADV. SRI.K.G.BALASUBRAMANIAN
SMT.AMBILY (PREMKUMAR)

RESPONDENTS: ACCUSED

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1. P.KARUNAKARAN,
PRINTER & PUBLISHER, DESHABHIMANI DAILY,
THRISSUR EDITION.

2. K.H.NASIMUDEEN,
LOCAL WRITER AND REPORTER (DESHABHIMANI DAILY,
THRISSUR EDITION), KODUNGALLUR.

3. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R3-BY P.P.SRI.C.K. SURESH

THIS CRIMINAL LEAVE PETITION HAVING COME UP FOR ADMISSION ON ON 24/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. THANKAPPAN, J.

CRL.L.P.NO.222 OF 2007

Dated this the 24th day of May, 2007.

O R D E R

This is a petition to special leave to appeal filed against the judgment in C.C.No.1203/2003 on the file of the Judicial Magistrate of First Class, Kodungallur. The appellant/complainant filed a complaint before the court below alleging that the respondents/accused have committed the offences punishable under Sections 500, 501 and 502 read with Section 34 of the I.P.C. As per that complaint, the appellant/ complainant was the managing partner of Ameen Ice Factory at Azheekode Jetty and on 14.1.2000 there was an allegation that on the basis of a finding entered by the Anti Power Theft Squad of the Kerala State Electricity Board the Board inspected the premises on 14.1.2000 and had given a renewed energy charge bill amounting to Rs.1,16,934/=. Thereafter the complainant filed a suit O.S.No.226/2000 for an injunction against the disconnection notice issued by the respondents before the munsiff court, Kodungallur. That suit was dismissed and thereafter A1 and A2 being the printer and reporter of a daily news publication named Deshabhimani published a news item on

17.4.2003 with the title "

Because of that publication, the appellant/complaint was annoyed and which led the complainant/appellant to file a complaint before the court below alleging commission of the offences by the respondents/accused. To prove the case against the respondents, four witnesses were examined on the side of the complainant and Exts.P1 to P6 were also produced. After closing the evidence of the appellant/complainant, the respondents/accused were questioned and they have denied their involvement in the commission of the alleged offence. However, after considering the entire evidence, the trial court found that the appellant/complainant could not prove the case against the respondents beyond reasonable doubt and hence, the respondents were acquitted.

2. This Court heard the counsel appearing for the appellant and perused the documents made available to this Court. After hearing the arguments of the learned counsel and on going through the judgment of the trial court, this Court is convinced that the trial court is fully justified in coming to the conclusion that the appellant/complainant failed to prove the case against the

respondents as alleged in the complaint. The trial court had already considered the evidence of Pws 1 to 4 and had found that the offences alleged against the respondents have not been established by adducing proper and convincing evidence. Hence, this Court is of the view that the impugned judgment requires no interference by this Court.

Accordingly, the leave to appeal application shall stand rejected.

K. THANKAPPAN, JUDGE.

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